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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 9th November, 1987:—

I

BILL No. XLI OF 1987

A Bill further to amend the Metro Railways (Construction of Works) Act, 1978

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Metro Railways (Construction of Works) Amendment Act, 1987.

Amendment of section 10.

33 of 1978.

2. In section 10 of the Metro Railways (Construction of Works) Act, 1978, to sub-section (*3*), the following proviso shall be added, namely:—

"Provided that in computing the said period of one year, the period or periods during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (1) of section 7 [including any such action on proceeding pending immediately before the commencement of the Metro Railways (Construction of Works) Amendment Act, 1987] is stayed by an order of a Court, whether granted before or after such commencement, shall be excluded.".

STATEMENT OF OBJECTS AND REASONS

The Metro Railways (Construction of Works) Act, 1978 was enacted *inter alia* to cover the problems arising during the construction stage of Metro Railways. One of the important features of the Act is that it provides for a speedy procedure for the acquisition of lands, buildings, the right of user, etc., by the Central Government independent of the provisions of the Land Acquisition Act, 1894.

2. Under sub-section (1) of section 7 of the Act, a notification is required to be published in the Gazette of India for any such acquisition. The substance of the notification has also to be published in local news-papers. Any person interested in the property may file objections within 21 days of the date of such publication. Under section 9 of the said Act, objections from the affected persons are to be heard by the competent authority appointed under the Act. Thereafter, under section 10(1), a declaration has to be issued by the Central Government that the lands, buildings, or a right of user, etc., therein for laying the Metro Railway be acquired. Sub-section (3) of section 10, however, provides that the notification under section 7 will cease to have any effect if the declaration under section 10(1) is not published within a period of one year from the date of publication of the notification under section 7. Experience has shown that the affected parties resort to dilatory tactics by going to the court and obtain stay orders with the object of making the publication of declaration under section 10(1) impossible within the said period of one year. Thus, in many cases, the acquisition proceedings get unduly delayed.

3. To eliminate these difficulties and to ensure timely completion of the prestigeous Calcutta Metro Project, it is proposed to amend the Metro Railways (Construction of Works) Act, 1978 by way of inserting a proviso to sub-section (3) of section 10 of this Act, to exclude the period during which an acquisition proceeding remains stayed by an order of a Court for cmputing the period of one year under section 10(1) of the Metro Railways (Construction of Works) Act, 1978.

4. The Bill seeks to achieve the above object.

NEW DELHI;
The 26th October, 1987.

MADHAVRAO SCINDIA.

II

BILL No. XXXVIII OF 1987

A Bill to amend the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Amendment Act, 1987. Short title.

2. After section 22 of the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, the following section shall be inserted, namely:— Insertion of new section 22A.

50 of 1981.

"22A. The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder (other than the powers conferred by this section and section 23) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by the State Government or by such officer or authority subordinate to the State Government as may be specified in the notification.". Delegation of powers.

STATEMENT OF OBJECTS AND REASONS

The Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (Cine-workers Act) came into force on the 1st October, 1984. Under the provisions of the Act, the Central Government has been given the power to do all such acts and things as are necessary for the administration of the Act, like the appointment of Conciliation Officers, constitution of Tribunals, publication of the awards of the Tribunals, etc.

2. Under the Industrial Disputes Act, the appropriate Government in relation to establishments in the cinema industry is the State Government concerned. Further, such establishments are covered by the Shops and Establishment Acts which are State Acts and are administered by the State Governments. It is, therefore, considered necessary that the same agency which administers the Industrial Disputes Act in relation to the establishments in the cinema industry should be administering the Cine-workers Act so that cohesion and efficiency in the enforcement of both the Acts are ensured. This is proposed to be achieved by including a suitable provision in the Cine-workers Act to provide for the delegation of powers of the Central Government to the State Governments or officers or authorities subordinate to them.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 31st August, 1987.

PURNO A. SANGMA.

II

BILL NO. XLII OF 1987

A Bill further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Third Amendment) Act, 1987.

(*2*) It shall be deemed to have come into force on the 22nd day of September, 1987.

43 of 1950.

Amendment of section 7.

2. In section 7 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act),—

(*i*) in sub-section (*1*), for the word, brackets, figure and letter "sub-section (1A)", the words, brackets, figures and letters "sub-sections (*1A*) and (*1B*)" shall be substituted;

(*ii*) after sub-section (*1A*) the following sub-section shall be inserted, namely:—

"(1B) Notwithstanding anything contained in sub-section (*1*), in the Legislative Assemblies of the States of Arunachal

Pradesh, Meghalaya, Mizoram and Nagaland, to be constituted at any time after the commencement of the Representation of the People (Third Amendment) Act, 1987,—

(*a*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Arunachal Pradesh;

(*b*) fifty-five seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Meghalaya;

(*c*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Mizoram; and

(*d*) fifty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Nagaland.".

Repeal and saving.

3. (*1*) The Representation of the People (Amendment) Ordinance, 1987, is hereby repealed. Ord. 7 of 1987.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Fifty-seventh Amendment) Act, 1987 inserted a new clause (3A) in article 332 of the Constitution to provide for a formula different from that provided in clause (3) of that article for the reservation of Scheduled Tribes in the Legislative Assembly of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. This clause provides for the determination of the number of seats to be so reserved with reference to the actual number of the seats held by the Scheduled Tribes in the existing Legislative Assemblies of those States on the date of commencement of the Constitution Amendment Act. If all the seats of the existing Legislative Assembly are held by the Scheduled Tribes on such commencement, one seat shall be kept open. Simultaneously, the Representation of the People (Second Amendment) Act, 1987 was also passed by Parliament giving power to the Election Commission to determine the seats to be reserved for the Scheduled Tribes in the State Legislative Assemblies on the basis of the above Constitution Amendment.

2. The determination of the number of seats to be reserved for the Scheduled Tribes in the aforesaid Legislative Assemblies would have been a simple matter, if the same had been left to be determined with reference to the factual position on a past date. But it had been consciously and deliberately left to be determined with reference to a future date. This device of determining reserved seats with reference to the factual position on a future date had to take care of the possibility of changes occurring in the position of the various Legislatures by reason of vacancies on account of death, resignation, disqualification or otherwise. Such a situation has in fact arisen in the case of Nagaland Legislative Assembly. To overcome this difficulty, it was decided to further amend the Representation of the People Act, 1950 to specifically indicate therein the number of seats that would be reserved for the Scheduled Tribes in the Legislative Assemblies of all these States. This proposal had also been agreed to by the Election Commission which is of the opinion that although the provisions of the Representation of the People (Second Amendment) Act, 1987 empowering the Election Commission to determine the Assembly constituencies would enable it to specify the number of seats also, it may not be possible for it to use its discretion to make any increase in the number of seats in view of the present vacancies in the membership of the Nagaland State Legislative Assembly and the wording of the new clause (3A) of article 332 inserted by the Constitution Amendment.

3. The term of the present Legislative Assembly of the State of Nagaland is coming to an end on the 28th November, 1987 and the Election Commission had to call for elections to that Assembly by the 1st of October. Before the notification calling for the elections is issued, the Election Commission should have finished its work of determination of the seats to be reserved for the Scheduled Tribes in that Assembly. This would involve some procedure and it would take about 10 to 15 days before the orders of such determination are published by it. It was, therefore, necessary to amend the Representation of the People Act, 1950

immediately to achieve the object mentioned above. Accordingly, the President promulgated the Representation of the People (Amendment) Ordinance, 1987 on the 22nd September, 1987 to amend the Representation of the People Act, 1950 to specify that 59 of the 60 seats in the Nagaland Legislative Assembly, 55 of the 60 seats in the Meghalaya Legislative Assembly, 39 of the 40 seats in the Mizoram Legislative Assembly and 39 of the 40 seats in the Arunachal Pradesh Legislative Assembly would be reserved for the Scheduled Tribes in the general elections to those Assemblies which may be held in future.

The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 26th October, 1987.

H. R. BHARDWAJ.

SUDARSHAN AGARWAL,
Secretary-General.

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